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THE

C A S E

OF

Capt. *George Burrish,*

L A T E

C O M M A N D E R

OF

His M A J E S T Y ' s S H I P

T H E

D O R S E T S H I R E.

241



THE
CASE
OF
Cap^t. *George Burrish*,
LATE
COMMANDER
OF
His MAJESTY'S SHIP
THE
DORSETSHIRE.



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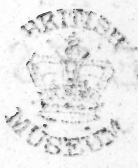
MDCCXLVII.

THE
CLASS

Cap. George Baring
LIEUT.
COMMANDER

His Majesty's Ship

DORSET



LONDON:

Printed by T. S. & J. for J. S. & J. at the end next the last page of the book.

W. COCKING

T H E
C A S E
O F
Capt. *GEORGE BURRISH*,
L A T E
Commander of his Majesty's Ship the
DORSETSHIRE.

IT is extremely natural for a Man, who has been blasted by the envenomed Breath of Calumny, whose Character has been mangled by the most barbarous Detraction, and his Life struck at; to endeavour at retrieving his Reputation, and the Esteem of his Fellow Citizens, by detecting and refuting the Malice and Falseness of such as hoped to throw upon him their own Guilt, and that publick Odium which very justly attends it.

The Man, who is conscious of his own Integrity cannot be silent, and leave to Time, that great Revealer of Truth, the setting him right in the Opinion of his Fellow Subjects; especially, if the Persecutions he laboured under had not only robbed him of his good
B Name,

Name, but made him the Object of Publick Scorn and Hatred.

When our Character is lost, Life is below our Care; there is not a Day but evinces this Truth, by Examples of many, who stake the latter to preserve the former: Wherefore, I hope, the Anxiety I am in to wipe away those Stains, which Art, Malice, and possibly conscious Guilt, have attempted (and but too well succeeded) to fix upon my Reputation, will not be interpreted to my Disadvantage; that my Countrymen will consider this Address to them, divested of all Prejudice, and hear me with that Impartiality they would wish for themselves, were they in my Situation.

It may be Matter of Surprize, that I have thus long been silent. It was indeed my Intention to have published this my Vindication soon after my Trial; but a certain Diffidence of my own Judgment, and a very great Defiance for that of some, who honour me with their Regard and Friendship, made me thus long defer it: They were of Opinion, that every thinking Man would receive such Lights from the Trials of the Admirals and Captains, if first published, as would enable him to make a clearer Judgment of my Case. Tho' I gave way to the Advice of my Friends, it cannot but be thought a severe Mortification to lie so long under undeserved Censure, as I hope to evince I have.

I shall mention as little of others, as the Nature of what I have to offer will allow me; and what I am obliged to say shall be free from Passion.

Passion. There is a certain Sereneness of Temper inseparable from the Innocent, however aspersed, however oppressed, which makes him act up to the Dignity of his Character, I mean, that of a rational Being; he will pity, but cannot long be angry with his Persecutors, but leave the Living to the Stings of their own Guilt, and the Dead to the Searcher of all Hearts, who alone knows whether the Facts, charged on the accused, proceeded from a deliberate and coolly-designed Murder by the Sword of the Law, or from a Love and Desire of Justice: whether the Depositions of the Witnesses were from received Instructions, or consonant with the Conscience of the Deponents. Of this latter indeed, they themselves have given us pretty sure Grounds to judge, as Impossibilities and Contradictions necessarily destroy the good Opinion we have of a Man's Veracity.

As I shall write with Truth and Calmness, I hope to be read with Patience and Candor; I entreat no other Favour of my Countrymen, in the Perusal of my Case, in which I will be as concise as possible, and give an Answer to every respective Head of the Charge brought against me, and upon which I was tried.

It contains six Articles *; the last being general and Matter of Form, I shall take no Notice of; indeed I cannot do it, without Repetition, as what I shall reply to the other five will be an Answer to the Sixth.

* See the Appendix.

The first Charge is, that I did not bear down to engage the Enemy, but on the contrary, withdrew and kept back from the Fight, lying to windward of the Enemy, during all or the greatest Part of the Engagement, out of point blank Shot.

The second Head taxes me with not bearing down and engaging the Enemy, in my Station, notwithstanding Admiral *Mathews* sent me two several Orders to perform that Part of my Duty; but instead thereof, I kept to windward of my Station, under Pretence of having no Powder filled, altho' an Engagement had been several Days expected, and I ought to have had a sufficient Quantity filled to engage.

By the third, I am accused of having fired two hundred, or, at least, one hundred Shot, when out of point blank, and many of them when I was out of Reach of the Enemy even at random Shot, contrary to the 20th Article of his Majesty's fighting Instructions.

The fourth Article charges me with not assisting the *Namur* and *Marlbro'*, when hard pressed, and the latter disabled, notwithstanding I was the next Ship to her; was commanded by Admiral *Mathews* to assist her, and it was my Duty so to have done; it being enjoyn'd by the 22d Article of his Majesty's fighting Instructions: But instead of performing this Duty incumbent on me, contrary to both that, and the Articles of War, I kept back from the Fight, &c. &c.

The fifth Head accuses me of neglecting, and refusing to cover, succour or support the

Ann Galley Fireship, tho' the Captain of her requested my Assistance.

The sixth is general and recapitulatory. To the first Article I answer, and it was proved at my Tryal, that from the first Signal, which was made at Seven o'Clock in the Morning, no Ship could be more in her Station than was the *Dorsetshire*, notwithstanding Lieutenant *Knowler* swore she was rather to windward of the *Marlbro'*, when he brought me the first Message from Admiral *Mathews*, viz. to close the Line (at Nine o'Clock in the Morning). After such a Length of Time, 'tis possible so trifling a Circumstance may have slipped his Memory. I say trifling, as it was more than four Hours before we engaged, and therefore, evidently, of no manner of Consequence, and not worth the disputing. I shall proceed to my not having engaged the Enemy, when the Signal for so doing was made.

The Signal for the Line a-head was made at Nine o'Clock in the Morning, when the *Dorsetshire* was so near the Stern of the *Marlborough*, that we could hear Admiral *Mathews* and Capt. *Cornwall* talk to each other; and we continued at this small Distance till the *Namur* and *Marlborough* bore down to engage the *Real*, which was done without altering the Signal for the Line a-head: altho', to engage that Ship, we were obliged to bring those of his Majesty, for some small Time, into a Line a-breast; which, for want of previous Notice of the Admiral's Design, brought some of our Ships a little out of their Station.

As

As soon as I discovered the Admiral's Intention, I made the best of my Way to engage the *Hercules*, the Spanish Admiral's Second; which Ship being about half a Mile a-stern of him, gave the *Namur* and *Marlborough* Opportunity to engage, about seven or eight Minutes, before it was possible for me; tho', all that Time, I was going nearer to the *Hercules*, in order to get into a Line with Admiral *Mathews*, which I could not do before the *Hercules* began to fire upon me; many of whose Shot went over me before I brought my Broad-side to bear upon her, which I did about half past One o'Clock; Admiral *Mathews* and the *Marlborough* then right a-head of the *Dorsetshire*; as proved at my Tryal by my first Lieutenant and fourteen others.* I had not fired above three Broad-sides before I had two Men killed on my Quarter-Deck, and a third lost a Leg; a double-headed Shot went through my Quarter, which wounded another Man; and a Pound Grape-shot lodged in my Quarter-Gallery.—If these are not Proofs that I was within point-blank Shot, there can be none satisfactory; —to the Court-Martial they were entirely so, since they allow me, in their Sentence, to have been within *extreme* Point-blank, or *extremely* within Gun-shot; for who considers the Reason, viz. a double-headed Shot going through my Side, can give that Term no other Interpretation.

As to my withdrawing, or keeping back from the Fight, what I have already said

* See the printed Tryals.

evinces the Falsity of the Charge; but, if that is not sufficient, or is suspected to be partial, I hope Credit will be given to the Witnesses for the Crown*; whose Evidence not only clears me of the Imputation, but farther proves, that I constantly was going nearer to the Enemy.

In Answer to the second Head, I need take Notice but of two Particulars; the Messages sent me by my Admiral, and the fictitious Pretence of having no Powder fill'd. I received two Messages, or Orders, from Admiral *Mathews*; the first was at Nine o'Clock in the Morning, by Lieutenant *Knowler*, to keep a close Line, which I beg Leave to observe was not to me in particular, as invidiously insinuated, but was also sent to the other Ships in the Center Division; the Order was general, and I immediately obey'd it.

The second Message was by Lieutenant *Bently*, to bear down and relieve the *Marlborough*, which was when her Masts were gone, about half past Three in the Afternoon.

Whoever reads the Charge, and is a Stranger to Naval Military Discipline, will be apt to conclude, as, 'tis evident, my Accuser intended they should †, that this second Message was the Effect of my Backwardness to enter into the Engagement, though to relieve a *British* Ship of War, not only hard pressed by an Enemy of superior Force, but so dis-

* See Lieutenant *Palliser's* Deposition in the printed Tryals.

† See the second Article of the Charge in the *Appendix*.

abled as to be in Danger of being taken: But I beg leave to inform the Reader, that, according to Discipline, this second Message, or a Signal to the same Purpose, was absolutely necessary to authorize my going to the Relief of the *Marlbrough*, which Ship had made no Signal of Distress*.

This second Message I immediately obeyed, as Lieutenant *Bentley* himself and others testified at my Tryal; for that Instant I loosed my Top-gallant-Sail, set my Fore-Sail, and was bearing away a-head of the *Marlbrough*, in order to assist her, when Mr. *Henry Page*, my first Lieutenant, came upon the Quarter-Deck, and told me that there was no Powder filled; — this greatly surprizing me, obliged my bringing too, till I had enquired into the Truth of this Report, by sending for my Gunner, who assured me it was a Mistake, and that there was no want of Powder to go along-side of what Ship I pleased: This Error, occasioned by the bigger Boys who had stolen the Cartridge-Boxes from the less, was the Loss of about six or seven Minutes; and these Minutes, so lost, have given my Accuser Ground to asperse me in a chicaning Manner, which might indeed be expected from a common Fellow, but not from a Gentleman of a distinguished Rank in his Majesty's Service; but my Tryal has proved this fictitious Pretence, on which my Accuser laid great Strefs, no other than the *Mountain in Labour*; for as

* See the xxiid Article of his Majesty's Fighting Instructions in the *Appendix*.

soon as my Gunner had given me the above Satisfaction, I immediately put my Helm a-weather; bore down to the *Real*, and engaged her at the Distance of a Cable and half, or thereabouts, for the Space of a Quarter of an Hour, and then she turned her Stern towards us, into which we fired round and grape Shot, till she got too far for our Guns to do Execution. It may be asked why I did not follow her when she bore away; I answer, that such a Proceedure would have been extremely imprudent, and contrary to the twenty-first Article of the Fighting-Instructions*, and I should have justly incurred the Censure of Temerity, for five Sail of the Enemy, coming up, would have cut me off from our own Fleet, as 'twas proved upon my Tryal that, by keeping their Wind, they could have weather'd the *Dorsetshire*, but by her beating the *Real* to Leeward, the *Marlborough* gained the Time necessary to be towed away to Windward, out of Danger, and consequently the *Dorsetshire* saved her from falling into the Hands of the Enemy.

I am sensible the Honour of forcing the five sternmost Ships of the Enemy to Leeward has been given to the Ships a-stern of the *Dorsetshire*, but it is notorious that none of them were near enough to do that Service; wherefore it is much more rational to believe that the Reason of those five Sail bearing away was to succour their Admiral, who was greatly distressed. One more Circumstance, I beg

* See in the Appendix.

Leave to offer to corroborate my Conjecture, that they bore away with the above Design, and were not driven to Leeward by any of our sternmost Ships; viz. when I bore down, to relieve the *Marlborough* and engage the *Real*, I sent for my Lieutenants to shew them the Situation of our Fleet, and at the same Time gave them this Reason for it; to wit, that they might be able to justify my Conduct, in case the five Ships of the Enemy which were coming up should force me to abandon the *Marlborough*. Had any of our Ships been then engaged with them, so as to stop them, such a Precaution would have been ridiculous, and have exposed me to the Derision of my Officers.

I should be very unwilling to take from the Ships a-stern of the *Dorsetshire* any Part of the Honour they acquired on that unfortunate Day of the Engagement: I must, however, beg Leave to say, that if Admiral *Mathews* wore his Ship to the Northward to assist any particular Ship, it must have been the *Dorsetshire*, as she was the leewardmost in the Fleet, and then actually engaged with the headmost of the before-mentioned five Sail; for, as soon as they saw the Fire-ship blow up, and their Admiral out of Danger, they hauled their Wind again, and the headmost in a very little Time came within about half a Mile of me, and then began to engage. In a Quarter of an Hour after Admiral *Mathews* wore his Ship, and came close under my Bowsprit; I therefore gave Orders to cease firing until he had passed me, which he had no sooner done than

than he hauled upon a Wind, which occasioned my getting my Larboard-Guns ready, and I then wore after him ; but there being little Wind, before we could get upon the other Tack, we were much nearer the Enemy than the Admiral was ; the *Rupert* then kept close under my Stern, and the *Essex* to Windward of her ; in that Posture we engaged the before-mentioned five Sail as they passed us, they being standing to the Southward, and we to the Northward.

I have, herein, given my Opinion, and a short Narrative of that Circumstance, which has been differently reported. I do not take upon me to assign any certain Reason for Admiral *Mathews*'s wearing his Ship ; but was inclined to believe it occasioned by the *French* having tack'd, which made it more necessary to draw our Ships together, than it was to give Assistance to any particular Ship. But he himself has since informed us, that he wore to cover the Fire-ship.

I acknowledge, I have by this Digression trespassed upon my Reader's Patience ; but, as what has already appeared in Print from others, made it necessary for me to take Notice of these Particulars, and as I could do it no where so properly, I hope for their Indulgence. To return, I flatter myself that what I have now offered, in answer to the second Head, as I have advanced nothing but what has been proved upon Oath, sufficiently clears me from the Charge of having disobeyed my Admiral's Orders, which I no sooner received than I put in Execution, as my

Sentence admits, and thereby evinces the malicious View of my Accuser.

As to the other Particular, the Excuse of having no Powder filled, I shall only say that it has the same malevolent Tendency: But I hope what I have already said, and the Opinion of the Court-Martial, who are satisfied it was a Mistake, no way prejudicial to the Service as it retarded me from Action but a few Minutes, cleared me from the Aspersions, and will prove an Antedote to the latent Venom. Wherefore I shall go on to the third Head, on which my Answer to the first has left me little to say.

I am in this Article charged with firing a Number of Shot out of Point-Blank. This Distance is as yet very indeterminate; it is a Term very often employed, though I durst almost stake my Life, that ninety-nine out of a hundred who make use of it, from our Admirals downwards, cannot fix the exact Measure of a point-blank Distance: I have heard a good Engineer call it three Quarters of a Mile; some Gunners say it is the Length of four Cables; and one at my Tryal limited it to a Quarter of a Mile; but how is it possible to state any certain general Distance, when it depends on the Weight of Metal, the Strength or Weakness of Powder, the different Fortification of the Guns, or, possibly, on the Metal of which they are cast? For my Part, I reckon that, a point-blank Distance, at which a Shot will reach the Object in a direct Line; and, if this is allowed me, I hope it will also be admitted that I was within that Distance of the

the Enemy, since a Shot came through the Quick-Work on the Starboard Side of my Quarter-Deck, and carried away the Sheer-Rail and Timber Head on the Larboard Side, which were in a direct Line; and another Shot went through my Main-Mast in a direct Line, which could not have been, had not I been within Point-blank, according to the above Definition of the Term, as it is well known that all Shot fired at a greater Distance, or Random, make a Curve.

The fourth Head charges me with not assisting the *Namur* and *Marlborough*: These Ships, 'tis said, were hard pressed. This is visibly a Wound aim'd at another, through my Sides. — What! two *British* Ships, of ninety Guns each, hard pressed by a *Spanish* Ship of a hundred! The Malice of this Suggestion, and on whom this Venom is spit, I think too visible; though I acknowledge the Insinuation is far from being artless. When did the *Namur* and *Marlborough* want the Assistance of the *Dorsetshire*? never, jointly; and when the *Marlborough* was disabled, I came into her Relief as soon as I was authorized so to do; but a short Narrative of this Affair may be necessary to enable my Reader to be a Judge.

It is well known to the whole Fleet, that the *Namur* and *Marlbro'* bore down together to engage the *Real*, a single Ship; and it is as notorious, that if the *Marlbro'* had not compelled the *Namur* to haul off, the *Real* must have been beat to pieces, or driven out of the Line, as every one will admit, that
two

two ninety Gun Ships are of Force superior to one of a hundred, or a hundred and ten : It may be said, that Experience proves the contrary of this general received Opinion, for the *Real* was neither damaged nor driven out of the Line, and she maintained the Fight so obstinately against these two ninety Gun Ships, that one of them left her, the other she disabled, and it was thought necessary to bring down the Fire-ship to their Assistance. This I know has been said ; but I beg leave to say it is as groundless as it is defamatory. I admit both the *Namur* and *Marlborough* bore down to engage the *Real*, and Admiral *Mathews*, in the *Namur*, ran along Side that Capital Ship, and I make no doubt but he would have kept the Station, had he not been obliged to quit it to avoid the *Marlborough* running on board him. The *Marlborough* then engaged singly for the Space of an Hour, a little more or less. Thus, it is evident, the *Real* did not maintain the Fight against two *British* Ships, jointly, of much superior Force ; but to proceed with the Account of the Action, as it thoroughly refutes the Charge under this fourth Head. The *Dorsetshire* having by this Time beaten the *Hercules* out of the Line, with her Topsail Yards shot down, she haul'd away for the *Real's* Lee Quarter, the *Dorsetshire* having near'd the *Marlborough* within two Cables Length, I ordered my foremast Guns to be fired upon the *Real*, and the aftermast Guns upon the *Hercules*. In this Position we lay about three Quarters of an Hour, when the *Marlborough* lost

lost her main and mizen Masts; soon after which Accident, the *Dorsetshire* compelled the *Hercules* to bear quite away, and we never saw her after. I then laid my Topails a-back, in order to fall a-stern of the *Marlborough*, and to keep the *Real* open; but she having no after-sail, fell off so much, that she fell in between me and the *Real*, consequently I could bring no Guns to bear upon her. I had at this Time my fore-spring Stay, two fore Shrouds, five main Shrouds, both main Runners and Takles, main Top-mast back Stay, main Top-gallant back Stay, main Top-gallant Stay, main Brace, and mizen Top-sail bowline Shot; and farther, a twelve or eighteen Pounder thro' my main Mast, several Trucks and Breechings broke upon my lower-deck Guns, and between four and five Foot Water in my Hold; there being a large Swell, which occasioned my Mast to fetch away, and I thought it my Duty to secure it, and pump out my Water, as plainly perceiving it could not be long before I should have five fresh Ships to engage. This took up near half an Hour, for which my Judges have broke me, tho' they then allow me to be in the Line, and are sensible I had no Authority to move from that Station, or break the Line without the *Marlborough* had made the proper Signal of Distress, which she never did during the whole Engagement*.

* See the 22d Article of fighting Instructions, in the Appendix.

It is said I could have given the *Marlborough* more Assistance than I did, which I acknowledge is very true; but as I was to Leeward of the Line, I was not at Liberty to do without Orders from my Admirals, as is evident from the 22d and 24th Articles of the Instructions†; but had I attempted to give the *Marlborough* greater Assistance, there was no other Way to do it than by running between her and the *Real*; and I appeal to the Judgment of every Sea-Officer, whether I ought so to have done in the Condition my Ship was, and five fresh Ships of the Enemy coming up. I insist upon it, and it is notorious, that none of our Ships were near enough to stop them; and that, it is evident, had I gone between the *Marlborough* and *Real* I ought to have expected more Damage; and I think every Seaman will allow, that a small Addition, to what I had already received, must have distressed me as much as the *Marlborough* was distressed, what then would have been the Consequence? It is obvious, that, instead of beating the *Real* to Leeward (which I actually did, and by so doing was the true and only Cause of the five Ships bearing away) as the *Marlborough* would not have been able to tow away, and the *Dorsetshire* would have been in the same Situation; it is reasonable to believe, the five Sail would then have kept their Wind, and demolished us both. Had this been the Case (and no one knows the Event of War) what then would

† See the Appendix.

have been said? Should I not have been asked why, in the Situation I then was (or indeed on any whatever Account) I would venture to break my Instructions, when there were so many Ships both a-head and a-stern of the *Marlborough* more capable of that Service? In all Likelihood I should have incurred the Punishment of Death for having done that, which, for my not doing, I am now broke, and by the same Judges who have broke Capt. *West* for doing it.

The fifth Head, with Relation to the *Ann Galley* Fireship, is a very groundless Charge; and I dare say my Accuser had no other View in bringing it against me than that of accumulating Instances (however false) of Misconduct, to fix, if possible, an indelible Stain upon me; for he not only must have been conscious that I was no Ways answerable for the Miscarriage of the *Ann Galley* Fireship, but also satisfied, that a Court Martial would (as they have done) inevitably acquit me. Their Sentence might be a sufficient Answer to this Head, had not my Persecutor's View been, in great Measure, answered; for I find I have many Enemies, tho' I am not conscious, that my Behaviour in private Life (however unfortunate in my publick Capacity) could give any Man Cause of Dislike. Let him who can tax me with Injustice, Inhumanity, or Ingratitude, contradict me. If then none can fix a Stain on my private Character, to what other Cause can I attribute the Malevolence of many,

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who

who are even Strangers to my Person, (and, if not by Hear-say, to my Conduct) than to the artful, malignant and too successful Calumnies, which have been, and still are, industriously propagated? and to whom can I impute these, but to the Person, who was the Author of my Prosecution, and * has had the Front to impose on the World his false Draughts? To remove, therefore, the publick Odium, it is incumbent on me to speak to this Charge, which has gained some Belief, and to lay before my Reader my then Situation, and place this Particular, which has been painted in the blackest Colours, in its true Point of Light. If what I offer is read with that Impartiality, which is the distinguishing Characteristic of the *English* Nation, and Credit is given to the Evidence of Men of unblemish'd Characters, I make no doubt of rendering abortive the Hopes of my Persecutor, by retrieving the good Opinion of my Fellow-Subjects.

I have already said, that the Admiral's second Message to me was to assist the *Marlborough*, which Order was no sooner received than executed, as proved by the Officer that brought it §; and after I had beat the *Real* to Leeward, I lay by the *Marlborough*, in order to protect her from the five Sail of the Enemy, that were coming up: In the Interim, the *Ann Galley* Fireship, whose Signal for the Captain had been long out, on board the Ad-

* This was written when none apprehended that Gentleman in any Danger of Death.

§ See the printed Trials.

miral, came down a-head of me with all her Sail set, and, as she then steer'd for the *Real*, I imagined she was going to her, and for that Reason hail'd her, to know if she was going to burn the *Real*, and if I could be of any Service to her; if she returned any Answer, such as heard it, understood it, *no, no*; and, as she then altered her Course, I also changed my Opinion, and believed, as did every one beside, that she had other Orders to execute, and therefore was about sending my Barge, the only Boat I had left that was not shot, to help to tow the *Marlborough* to Windward, out of Danger, and this at the Desire of Lieutenant *Hale* of the same Ship, who I was so unfortunate as not to have at my Trial; yet her other Officers, at my Trial, were quite ignorant of this Circumstance, tho', at that Juncture, so material for their Preservation.

I aver, with great Truth, I knew not, that the *Ann Galley* was going to burn the *Real*, tho' I have said I suspected it, when she first came down; the World has been taught to believe, that it was my Duty to have succour'd her; had it been so, had I received any Orders to that End, and had not performed the Service, there could have been no Punishment too severe, but this is not the Case; for I had no Orders, relating to her, and when I discovered what she was going to do, it was too late for me to give her other Assistance than sending my Boat to save her Men, which I had the good Fortune to do;

but that Part of my Sentence, which particularly regards this Charge*, will I hope acquit me in the Opinion of my Countrymen, and give them another Turn of Thought more in my Favour.

As the sixth Head or Article of my Charge is, I take it, Matter of Form, I shall pass it over, and observe, that there was no less than fifty-six Witnesses pick'd up from one End of the Fleet to the other to support the Misconduct of which I stood accused. As the Trials are now printed, I leave it to my Readers to weigh the respective Evidence they gave into the Court, and to make their own Observations on the Contradictions, Inconsistencies and Impossibilities, which cannot escape a judicious Eye.

I shall, however, beg Leave to take Notice of some Part of the Evidence of the Officers of the Ships nearest to the *Dorsetshire*, as 'tis reasonable to imagine they were most capable of giving the Court the best Account of her Behaviour, and begin with the Officers on board the *Effex*, who all agreed, that the Shot from the *Hercules* (which Ship I engaged) went over their Ship at the Time that they were, from two Cables Length to half a Mile, farther distant from her than the *Dorsetshire* was; yet some of them would not allow the *Dorsetshire* to be near enough to do Execution on board the Enemy.— I need not make any Observation on this Evidence. The next near-

* See the Appendix.

est Ship was the *Namur*, whose Boatswain swore, that she was upon the *Malborough's* Weather-Bow, and the *Dorsetshire* upon the *Namur's* Weather-Quarter, firing at the *Real*, and that her Shot fell short between the *Namur* and *Marlborough*; the Gunner of the same Ship swore the *Namur* was upon the *Marlborough's* Lee-Bow, and the *Dorsetshire* upon the *Marlborough's* Weather-Quarter, but not near enough. I believe it will appear pretty extraordinary to the unprejudiced Reader, that these two Officers could be such good Judges of what the *Dorsetshire* did, when, it is evident, they cannot agree in the Situation of their own Ship. In Answer to the Boatswain's Evidence, it was positively contradicted at my Trial, where it was fully proved, that at the Time the *Dorsetshire* was a-head of the *Marlborough* she did not fire one single Shot at the *Real*, till she was within Point-Blank; and, with Regard to the Testimony of the Gunner, Admiral *Mathews* and his Officers, to whom I appeal, will, I am satisfied, acknowledge, that the *Namur* was never upon the *Marlborough's* Lee-Bow, until she wore in the Evening. The Master of the *Norfolk* swore the *Dorsetshire* was never near enough to do Execution; and farther, that she was never in her Station. This Evidence is positively contradicted by Capt. *Toms*, then Lieutenant of that Ship, who swore he saw the *Dorsetshire* closely engaged, and doing her Duty as became an *English* Ship of War.

I have

I have mentioned these three Ships, as they were nearest the *Dorsetshire*, and as the Officers on board them were liable to contradict each other, we might reasonably expect less Certainty in the Evidence of Officers of Ships distant from the *Dorsetshire* five, six, and seven Miles ; yet, it is very extraordinary, they are almost all of them consistent, and what the one swore, another, by his Oath, corroborated ; nay, the Witnesses quartered upon the Lower-gun Deck swore to the same Particulars, though at six Miles Distance, as those at the Mast-head. Indeed Captain *Gascoigne* modestly acknowledged, that his Sight was obstructed by Columns of Smoak, which arose from the Ships that were firing, between his Ship and the *Dorsetshire*, from which there was almost a continual Fire ; but this Smoak was no Obstruction to the Eyes of the others, for they could plainly distinguish the Shot of the *Dorsetshire*, and see them *fall short*. The piercing Sight of these Men *fall little short* of what is fabled of the *Lynx*. Who, however partial in my Favour, can refuse Credit to this Evidence ? 'Tis certain, notwithstanding, from the Prejudice entertained against me, that it is believed ; whence this necessary Consequence follows, that little Faith is given to the Witnesses who appeared on my Behalf, though of untainted Characters. However, undeniable Matter of Fact supports what they have sworn ; for it is notorious, when I came into *Portmahon* Harbour, that the *Marlborough* was ordered my Main-mast to make her a Fore-

Fore-mast, but when it was got out and carried to the Mast Yard, the Builder found it so shot and sprung *, it was not fit for any Ship ; for which Reason it was cut to Pieces. My Main-shrouds were also so much shot, that they were condemn'd as unfit for Service, at the same Time, and my Fore-top-sail was returned into Store, being so much shot, as not to be repaired. But to what can the Damage the *Dorsetshire* received be attributed ? Why, much rather to the *Spaniards* having larger Guns, and better Powder, than to her having performed her Duty, which by no Means must be allowed, notwithstanding my Judges, in their Sentence †, admit her to have been within extreme Point-Blank.

Let us suppose I had not received the least Damage, if the Fighting Instructions are to be observed, I was not at Liberty to give the *Marlborough* more Assistance than I did, as she never made the Signal of Distress the whole Time of Action.

When the Admiral gave me Orders to relieve her, I immediately obey'd them ; and 'tis reasonable to believe, that if I had not, he, who did not want Gentlemen to provide for, would have lain hold on this Opportunity to supersede me, as unfit for my Command : And it is altogether as rational to think, that Admiral *Rowley* would not, some Months after the Engagement, upon Information that several Ships of the Enemy were in *Malaga Bay*, have honoured me with the

* See Appendix.

† Ibid.

Command of nine of his Majesty's Ships to look after them; a Service of too great Importance to be entrusted to a Person who had behaved in the Manner the Publick is made to believe I did. This Conduct of Admiral *Rowley* towards me undeniably proves, either that he did not think my Behaviour merited the Sentence I labour under, or that he was very negligent in the Service of his King and Country; but with this I believe none will presume to tax him.

As I have gone through the Heads of my Charge, and offered to the Publick nothing in my Justification but what was proved at my Tryal, by sixteen Persons, who were the whole Time upon my upper Deck, and several other Officers quartered below, I hope I shall be believed, as I never bore the Character of wounding the Truth, and as my Judges, in their Sentence, have admitted that I obeyed my Admiral's Orders, and engaged within Point-blank; a Demonstration that they gave no Credit to those Gentlemen whose penetrating Sight could pierce almost continual Clouds of Smoak, distinguish the Shot of the *Dorsetshire* from those of other Ships then firing, and, at several Miles Distance, observe them fall short of the Enemy. It is remarkable that the Witnesses on the Crown Side had excellent Eyes, but with relation to the *Dorsetshire* very bad Memories; for they could remember nothing in her Favour, though they forgot nothing that could tend to the casting an Odium upon her; but
this

this we may attribute to there being many of them examined together to Queries, by Admiral *Lestock's* * Agents, and after being thus examined, and a general Deposition framed for them all, being also sent to receive Admiral *Lestock's* further Orders, which were to attend (as I have been informed) the Prosecutors for the Crown, and the Judge-Advocate. When such Deposition was sworn and signed, they were under a Necessity of supporting it in the best manner they could, in the Face of the Court; though it will appear by the Tryals (if impartially printed) that one Man had the Honesty and Courage to acquaint the Court, that before he swore to the Deposition he struck out several Particulars which he knew nothing of: Others had forgot what they had sworn to; and one desired his Deposition to be read a second Time in Court, to refresh his Memory, which I objecting to, and the Objection allowed, he knew not a Tittle of what he had been induced to swear, and was therefore turned out of Court, to the lasting Honour of his Tutor.

I know not whether such Management of Witnesses is conformable to Law; but I leave the World to judge, whether it is agreeable to Equity and Conscience, and whether the most experienced, most innocent, and gallant Officer, may not be robbed of Life and Reputation, and fall a Sacrifice to Guilt, particu-

* See the *London Magazine* for January 1747, p. 33. and Sequel.

larl, Self-Interest, or to artful and industrious Malevolence, if this is Practice.

To conclude: I neither disobeyed Orders, nor withdrew and kept back from the Fight; but, on the contrary, was observant of, and obedient to, all Signals. As my present Case is stated in as concise a manner, it was possible for me, I need make no Recapitulation of what I have written, to refresh the Memory of my Reader, whom I refer to the judicious Remarks on the Method taken to train the Witnesses, the Contradictions of the Evidence they gave, both oral and written, and the exact Agreement between them, even in Diction, which is like proving too much, made by Admiral *Mathews*, who has done me the Honour and Justice to clear my Character, in the Defence he published of his own Conduct; and 'tis no small Comfort to me, that I have the Testimony of an experienced gallant Officer*.

Though, as I have said the Brevity with which I have stated my Case renders a Recapitulation unnecessary, yet I beg Leave to trespass so far on my Readers, as to observe, that of the particular Facts of Misconduct with which I was charged, in the Place where I was first accused, I have been cleared by the Sentence of the Court-Martial; as the Perusal of that Sentence will evince. They were four in Number; 1. Not obeying the Admi-

* Vid. Admiral *Mathews's* Answer and Defence, p. 11, 13, 15.

ral's Orders. — 2. Keeping back from the Fight. — 3. Not covering the Fire-ship. — 4. Not succouring the *Marlborough*. The Gentleman whose Evidence carried the greatest Weight in the Support of these Heads, of which I stood accused, will appear to have had, at different Times, a very different Way of judging of my Conduct. Whether this is the Effect of a modest Diffidence of himself, and relying more on the Relations he had received from others, than on the Information of his own Senses, as he was an Eye and Ear Witness both of my Behaviour, and of the Orders I gave during the whole Time of the Action; or what other Cause must be assigned for his contrasting, by the Evidence he gave, where the first Accusation was brought against me, the Opinion he gave of my Conduct in the Letter he wrote to a Friend*, I shall not take upon me to guess, but leave the World to judge.

* See the *Appendix*.



MS. A. 1. 1. 1.

APPENDIX.

H I S
M A J E S T Y's
Fighting INSTRUCTIONS.

Twenty-First ARTICLE.

NONE of the Ships in the Fleet shall pursue any small Number of the Enemy's Ships, till the main Body be disabled or run.

Twenty-Second ARTICLE.

If any of the Ships in the Fleet are in Distress, and make the Signal, which is a West with the Jack or Ensign, the next Ship to them is strictly required to relieve them.

Twenty

Twenty-Fourth ARTICLE.

No Ship in the Fleet shall leave his Station upon any Pretence whatsoever, till he has acquainted his Flag, or the next Flag-Officer to him, with the Condition of his Ship, and received his Direction herein; but in Case any Ship shall so do, the next Ships are to close the Line: And if any Commander shall be wanting in doing his Duty, his Flag, or the next Flag-Officer to him, is immediately to send for the said Commander from his Ship, and appoint another in his Room.

By these Articles my Readers will please to observe (as my Sentence admits me to be in my Station, or Line, with Admiral *Mathews*, when the *Marlborough* wanted Assistance) that I ought not to leave it, unless the *Marlborough* had made the Signal, or I had Orders from my Admiral so to do.

* What I have now said, with Regard to not leaving my Station, has been strictly observed by great and experienced Officers in former Times; for, at the Battle of *Malaga*, Sir *George Rooke*, then Commander in Chief, and his Division was hard pressed; and tho' Sir *Cloudsly Shovel* saw his Condition, he judged it not adviseable to leave his Station without a Signal, or particular Order for that Purpose; but sent Sir *John Norris* to know, if

* See Captain *Ambrose's* Defence.

the Admiral would give him Leave to go to his Assistance, but the Answer was, he must keep his Station; which is a plain Indication, that no Ship can leave his Station, to go to the Assistance of another, without the proper Signal, or Orders for that Purpose, tho' many Ships may, at that Time, lie in their Stations inactive.

I declare I had no Signal made me, and when I received Orders I obeyed them immediately; and tho' I did lie inactive, till I received Orders, the Condition of my Ship (as I have already proved) made it (I think) absolutely necessary.

As the publick Prints have illustrated the Damages that some particular Ships received in the late Engagement off *Toulon*; but in that, as in many other Particulars, have forgotten the *Dorsetshire*; I hope my Reader will not censure me for taking the Liberty of shewing them the Damages she received, and proved to be Fact before Mr. *Merr*, Deputy Judge Advocate, and Capt. *Toll*, who superseded me.

Damages received in the Hull and other Parts of his Majesty's Ship the Dorsetshire, viz.

Main Top-sail Sheet Bits	} shot to Pieces.
Fore Top-sail Sheet Bits	
Fish on the Booms	} shot through
Spare main Top-mast	
The Clamp in the Gun-room, Starboard Side, broke off by a Shot.	

The

The Spurketing on the middle Gun Deck,
Larboard Side, shot to Pieces.

Jack Piece on the middle Deck shot
through.

The Spurketing on the Quarter Deck,
Starboard Side, shot through.

The Timber Head and Fife Rail, on the
Larboard Side, shot to Pieces.

One of the Knees in the Steerage, Starboard
Side, shot to Pieces.

One of the mizen Chain-Plates broke by
a Shot.

Main Mast shot through.

Grape Shot in the fore Mast, and Quarter
Gallery.

A double-headed Shot came through the
Starbord Quarter, and some shot through
and through.

Long Boat two Shot through her.

Eight-oar'd Boat shot to Pieces.

Certified to be true by

Marmaduke Boatflower,

The Carpenter ; and

Francis Hutchins,

his Mate.

Witness B. Morn, D. J. A.

and Captain Toll.

[*Damages*]

Damages received in the Sails, viz.

Flying Gibbs, two, very much shot.

Fore Top-mast Stay-fail, two or three
Shot through it.

Fore Course very much shot.

Fore Top-fail so much shot as not to be
repaired.

Fore Top-gallant Sail very much shot.

Main Course

Main Top-fail

Main Top-gallant Sail

} shot in several Places.

Mizen Top-fail very much shot:

Certified to be true by

George Newcomb,

Boatswain ;

Matthew Taylor,

Sail-maker ; and

Thomas Bafnet,

his Mate.

Witness B. Morn, D. J. A.

and Captain Toll.

E

Damages

Damages received in Rigging.

Sprit-fail Braces	}	shot away.
Fore Top Bowlin		
Fore Spring Stay		
Fore Top-gallant Stay		
Fore Top-mast back Stay	}	shot.
Fore Top-gallant Braces		
Fore Geers, one		
Fore Clugarnet, one		
Fore Top-fail Sheet, one		
Fore Lift, one		
Fore Stay-fail Sheets		
Fore Shrouds, two		
Main Top-mast Stay-fail Sheets		
Middle Stay-fail Sheets		
Main Top-gallant Stay-fail Sheets		
Main Top-gallant Stay		
Main Top-gallant back Stay		
Lanyards of the main Top-mast		
Shrouds, three		
Main Brace shot twice		
Middle Stay-fail Hallyards		
Main Runners and Takles		
Main Bowlin		
Main Top-mast back Stay		
Main Top-takle Falls		
Main Shrouds, five		
Mizen Top-fail Bowlin, twice		
Toping Lift of the mizen Yard		

Mizen

Mizen Stay-fail Hallyards
Lanyards of mizen Shrouds, three
Sheet Cable much damaged by } shot.

Certified to be true by

George Newcomb, *Boatswain.*

John Prince, *his Mate.*

William Grear,	} <i>who mended the above Rigging.</i>
Benjamin Francis,	
Michael Ennis,	
John Woodfide,	
Solomon Middleton,	
Andrew Petty,	
Christopher Jodd,	
John Jippitt,	

Witness B. Mem. D. J. A.

Capt. E. Toll.

Men kill'd in the Action, six, and nineteen much wounded.

Certified to be true by

Mr. Lloyd, Surgeon,

and

Mr. Ayscough, his Mate.

Having, with all possible Brevity, lain the State of my Case before the Publick, I throw myself upon their Candor, and only beg they will coolly weigh what has been proved in the foregoing Sheets, and the Reasons alledged for my being cashier'd and render'd incapable of the Service, in the Sentence pronounced; than which, there is but one that could be more severe, as it might not have allowed me an Opportunity, as I hope I have done, to justify my Conduct; especially with Seamen, who cannot but acknowledge, that, with the Damage I had received, and with six Foot Water in my Hold, my Lying-by was absolutely necessary; notwithstanding the Opinion of the Court-Martial. I say not this to reflect on their Judgment, for 'tis possible they gave no Credit to my Witnesses in these Particulars; though I believe none will tax them with any one Particular in the Conduct of their Lives, which may give Ground to suspect they would be partial in what they related under the solemn Obligation of an Oath, by which they attest the great *Being* of *Beings*, to the Truth of what they advance.

C H A R G E

A G A I N S T

GEORGE BURRISH, Esq.

First, **T**HAT on the 11th Day of *June*,
 in the Year of our Lord 1743,
Thomas Mathews, Esq; was Admiral and
 Commander in Chief of his Majesty's Fleet in
 the *Mediterranean* Sea; and *George Burrish*,
 Esq; being then and there Captain and Com-
 mander of his Majesty's Ship *Dorsetshire*, and
 under the Command, and in the Division of
 the said Admiral; and the said *Thomas Ma-*
thews, Esq; being in Sight and View of the
 combined Fleets of the King of *Spain*, his
 Majesty's then declared Enemy, and the
French King, his Ally and Confederate; and
 the said combined Fleets being very near, and
 in likelihood of an Engagement with his Ma-
 jesty's said Fleet, the said *Thomas Mathews*
 did cause the proper Signal to be made to en-
 gage; and did then and there, with several of
 his Majesty's Ships under his Command, bear
 down upon, engage, and join Battle with his
 Majesty's said Enemies, and endeavour to
 take, fire, kill, and endamage the said Ene-
 my; and that the said *George Burrish*, then
 having

having the Command of his Majesty's said Ship *Dorsetshire*, was in full Sight and View of the Signal to engage as aforesaid, and in View of the said Engagement, and well knew the Duty required by the said Signal; and that, by the Articles of War, his Majesty's Instructions, and the Discipline of the Navy, it was his Duty to have done his utmost to take, fire, kill, and endamage his Majesty's said Enemies; yet the said *George Burrish* did not do his utmost to bear down upon, fight, or engage with his Majesty's said Enemies, as he might and ought to have done, but, instead thereof, withdrew, and kept back from the Fight, and kept and continued with the said Ship under his Command to Windward of the Enemy, during all or the greatest Part of the said Engagement, notwithstanding it was in his Power to have engaged with the said Ship under his Command, in his proper Station, in Fight with his Majesty's said Enemies, had he used the proper Endeavours for that Purpose; and though it was his Duty so to have done, he kept and continued out of his Station, and above the Distance of point-blank Shot from his Majesty's said Enemies during the greatest Part of the said Engagement, in Breach of the Articles of War, his Majesty's Instructions, and the Commands of the Admiral as aforesaid.

Secondly, That, during the Engagement between his Majesty's Fleet and the combined Fleets of *France* and *Spain*, Admiral *Mathews* sent

sent two several Orders or Commands to the said *George Burrish*, Esq; to bear down and engage the Enemy in his Station, which he might have done ; yet, notwithstanding, he, the said *George Burrish*, Esq; did not bear down and engage the Enemy in his Station, but kept and continued to Windward of his Station, and pretended to have no Powder filled, although an Engagement had been expected several Days preceding, and there then was, or ought to have been, Gun-powder sufficient filled for him to engage ; in Disobedience to the Commands of the Admiral, and Breach of his Duty.

Thirdly, That, by the Twentieth Article of his Majesty's Fighting Instructions to his Commanders, it is expressly charged and commanded to the Effect following ; viz. every Commander is to take Care that his Guns are not fired till he is sure he can reach the Enemy upon a Point-blank ; yet, notwithstanding, he, the said *George Burrish*, Esq; did on the 11th of *February* aforesaid fire, and cause to be fired, at the Enemy, two hundred, or at least one hundred Shot, when he was not in Reach of the Enemy upon a Point-Blank ; and many of them when he was not even in Reach of the Enemy, on Random-shot ; in Breach of his Duty, and Violation of the Obedience due to his Majesty, and his Instructions.

Fourthly,

Fourthly, That, during the Engagement aforesaid, between Part of his Majesty's Fleet and the said combined Fleets, his Majesty's Ships *Namur* and *Marlborough* were hard pressed, and the latter was disabled, having her Main and Mizen Masts shot away, and, after she was so disabled as aforesaid, continued for a considerable Time engaged in Fight with his Majesty's Enemies, which he the said *George Burrish* saw, he the said *George Burrish* then being in Command as aforesaid, and being in Station the next Ship to the *Marlborough*, and capable of yielding Assistance and Relief to his Majesty's said Ships *Namur* and *Marlborough*, by going with his Majesty's Ship *Dorsetshire*, then under his Command, to their Assistance, which he might and ought to have done, and which he was expressly commanded by the said Admiral *Mathews* to do, and which is enjoined by the twenty-second Article of his Majesty's Fighting Instructions; notwithstanding which, he, the said *George Burrish*, did not do his utmost to assist and relieve his Majesty's said Ships; but withdrew, and kept back with his Majesty's said Ship under his Command from the Fight, or Engagement, contrary to his Duty, and the Articles of War; and was thereby one of the principal Causes of the Miscarriage of his Majesty's Fleet.

Fifthly, That, during the said Engagement, the proper Signal was made, and Orders given,

given, by the said *Thomas Mathews*, for the Captain of the *Ann Galley* Fire-ship to bear down upon the *Real*, one of the Ships of his Majesty's said Enemy, and to burn, sink, or otherwise destroy his Majesty's said Enemies ; and the said Ship, and the Captain of the said *Ann Galley* Fire-ship, did accordingly bear down towards his Majesty's said Enemies, and the said Ship *Real*, in order to burn, sink, and destroy her ; but the said Fire-ship, for want of proper and necessary Succour and Support from his Majesty's said Ships, then in Sight and View of the said Fire-ship, was herself sunk, burnt, or otherwise destroyed by his Majesty's said Enemies, without doing any Execution upon his Majesty's said Enemies ; and that the said *George Burriſh* having then the Command of his Majesty's said Ship *Dorsetshire*, and being in Sight and View of the said Fire-ship when she was going down upon his Majesty's said Enemy's Ship *Real*, and knew the Improbability of her doing any Execution, and the Danger she was in of being destroyed by the Ships of his Majesty's said Enemies, before she could do any Execution, if she was not covered and succoured by some of his Majesty's Ships ; and the said *George Burriſh* was desired, and requested, by the Captain of the said Fire-ship, to assist him ; notwithstanding all which, he the said *George Burriſh* declined, neglected, and refused to cover, succour, or support the said Fire-ship, although the Ship under his Command was not then engaged with any of his Majesty's

G. said

said Enemies, and notwithstanding the Wind was fair for that Purpose, and the Ship under his Command not disabled; and which he could and might have done, if he had thought proper; and which was his Duty to have done, as a Captain and Commander in his Majesty's Fleet; and his Behaviour herein was contrary to the Articles of War, his Majesty's Instructions, and the Discipline of the Navy.

Sixthly, That the said *George Burrish* was and is guilty of Disobedience to his Majesty's Instructions, and the Signals and Commands of the Admiral, and Neglect of Naval Military Discipline; and divers notorious Breaches of his Duty, as a Captain and Commander of one of his Majesty's Ships of War, upon the said Eleventh Day of *February*, during the said Engagement of his Majesty's said Fleet with the Combined Fleets of *France* and *Spain*, in the *Mediterranean* Sea, and was one of the principal Causes of the Miscarriage of his Majesty's said Fleet.

This Charge was on the 19th of *August*, 1745, settled, and approved of by *M. Legge*, *J. Sharp*, and *P. Crespigny*.

T H E
S E N T E N C E
O F T H E
C O U R T - M A R T I A L .

TH E Court. in pursuance of an Order from the Right Honourable the Lords of the Admiralty to Sir *Chaloner Ogle*, dated the 11th of *September*, 1745, proceeded to enquire into the Conduct of Captain *George Burrish*, who commanded his Majesty's Ship the *Dorsetshire*, at the Time of the late Engagement between his Majesty's Fleet, and the combined Fleets of *France* and *Spain*, off *Toulon*; and he was tried for the same upon a Charge prepared against him by the Prosecutors in behalf of the Crown, and laid before the Court by the Judge Advocate; and the Court having strictly examined all the Witnesses produced, as well in Support of the Charge, as in behalf of the Party accused, and having thoroughly considered their Evidence,

G 2

dence, it appeared to the Court thereby, That, when the *Dorsetshire* first brought too to engage, she was not in a Line with the Admiral; but after the Admiral haul'd off, she was in a Line with, or as far to Leeward as the Admiral.

That the *Dorsetshire*, after the *Marborough's* Mast was gone, lay by inactive for about half an Hour, with the *Marlborough* between her and the *Real*; and that she had not received such Damage as to make her so lying by necessary.

That when Captain *Burrisb* received a Message from the Admiral (while the *Dorsetshire* was so lying by) to bear down to assist the *Marlborough*, and engage the *Real*, he did thereupon bear away, and haul'd up again only for a few Minutes, till a Mistake of the first Lieutenants, about a Want of Powder, was cleared up, and then he immediately bore away again, and assisted the *Marlborough*, by engaging the *Real* for about a Quarter of an Hour, till she bore away.

That as Captain *Burrisb* had no Orders to cover the Fireship, either by Signal, or otherwise, he is not chargeable with her Mis-carriage, especially as he sent a Boat to her Assistance.

That

That as a Bar-Shot did come on board the *Dorsetshire* in the first Part of the Engagement, and it does not appear that Captain *Burrisb* ever haul'd off from the Enemy, after he began to engage, the *Dorsetshire* must have been within extreme Point-blank, during the greatest Part of the Engagement.

That Captain *Burrisb* by his not bearing down into a Line with the Admiral, when he first brought too to engage, and for his lying inactive for about half an Hour upon the *Marlborough's* loosing her Masts) is guilty of Part of the Charge against him, as he did not do his utmost to bear down upon, fight, or engage with the Enemy in his Station; and by his not doing so, did not give proper Assistance to the *Marlborough*, till after he bore down, in Consequence of a Message from the Admiral; for which Failures in his Duty, the Court agree, that he falls under Part of the Twelfth and Fourteenth Articles of an Act of the 13th of King *Charles* the Second, for establishing Articles and Orders for the regulating and better Government of his Majesty's Navies, Ships of War, and Forces by Sea; and the Court do unanimously adjudge him, the said *George Burrisb*, to be cashiered, and for ever rendered incapable of being an Officer in his Majesty's Navy; and he is hereby cashiered, and for

for ever rendered incapable of being an Officer in his Majesty's Navy accordingly.

Chaloner Ogle,
P. Main,
T. Smith,
W. Parry,
W. Chambers,
J. Rentone,
R. Allen,
T. Frankland,
W. Hewett,
C. Colby,
S. Laton,
J. Hamar,
C. Molloy,
F. Geary.
S. Callis,
R. Erskine,
J. Pitman,
E. Spragge,
A. Steuart,
J. Orme.
C. Fearne, *Jud. Adv.*

This

The following Letter was written to Mr. *Richard Drakeford*, of *Gosport*, by Capt. *Bourchier Cole*, who commanded the Marines on Board his Majesty's Ship *Dorsetshire* in the Time of the Engagement; and that Gentleman having sent me the Original, I declare this to be a true Copy.

S I R,

London, May 16, 1744.

“ I Received your kind Letter the 14th
 “ Instant, and am very much obliged
 “ to you for your kind Endeavours to
 “ serve me.

“ I must own when we arrived at *Port-*
 “ *mahon*, after the Action was over, there
 “ was a great deal of Scandal talked of the
 “ Captains of Men of War, ; and, as Cap-
 “ tain *Burrisb* was among them, he, in or-
 “ der to justify his Character, wrote a Letter
 “ to Colonel *Winyard* of the whole Affair,
 “ which all his Officers and Seamen were
 “ ready to make Oath of; and also gave
 “ me a Copy of the Letter when I was
 “ leaving him, which I have here sent you
 “ inclosed.

“ As for my Part, I must say, there
 “ were a good many Captains of Men of
 “ War behaved very ill; but do assure you,
 “ upon

" upon my Honour, I cannot blame Cap-
" tain *Barrish* in any one Thing he did.

" It is, in my Opinion, out of Dispute,
" we might have taken the *Spanish* Fleet,
" had Mr. *Lestock* and his Division, come
" up; and really I should not have won-
" dered much if we had taken both *French*
" and *Spaniards*, if we had kept up the Cha-
" racter our *English* Fleet always bore.

" I beg you'll return my Compliments
" to your Family; and believe me to be,

S I R,

Your most assured,

and very obedient,

humble Servant,

Bourchier Cole.



" As for my Part, I must say, there
" were a good many Captains of Men of
" War behaved very ill; but do assure you
" upon